

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

\*

**vs.**

\*

**Case No. 1:22-CR-00417-RDP-NAD**

**KRYSTAL DIANE PINKINS,**

\*

**Defendant**

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**REQUESTED JURY INSTRUCTIONS OF THE DEFENDANT**

Comes now the Defendant, Krystal Diane Pinkins, by and through undersigned counsel, and submits that she has no objection to Government's Requested Jury Instructions with the exception of Numbers: 18, 19, 22, 23, and 26. The Defendant requests that the following alternate and/or additional instructions be given during the Court's charge at the trial of the above-captioned matter.

Respectfully submitted this the 18<sup>th</sup> day of September 2023.

/s/Justin C. Wilson

Justin C. Wilson

Attorney for the Defendant

**DEFENDANT’S REQUESTED JURY INSTRUCTION NO. 1**

**Impeachment of Witnesses because of Inconsistent Statements**

You should also ask yourself whether there was evidence that a witness testified falsely about an important fact. And ask whether there was evidence that at some other time a witness said or did something, or didn’t say or do something, that was different from the testimony the witness gave during this trial.

But keep in mind that a simple mistake doesn’t mean a witness wasn’t telling the truth as he or she remembers it. People naturally tend to forget some things or remember them inaccurately. So, if a witness misstated something, you must decide whether it was because of an innocent lapse in memory or an intentional deception. The significance of your decision may depend on whether the misstatement is about an important fact or about an unimportant detail.

Source:

11th Cir. Pattern Jury Instr. (Criminal) B6.1 (2022 Ed.)

**DEFENDANT’S REQUESTED JURY INSTRUCTION NO. 2**

**Aiding and Abetting; Agency**

It’s possible to prove the Defendant guilty of a crime even without evidence that the Defendant personally performed every act charged.

Ordinarily, any act a person can do may be done by directing another person, or “agent.” Or it may be done by acting with or under the direction of others.

A Defendant “aids and abets” a person if the Defendant intentionally joins with the person to commit a crime.

A Defendant is criminally responsible for the acts of another person if the Defendant aids and abets the other person. A Defendant is also responsible if the Defendant willfully directs or authorizes the acts of an agent, employee, or other associate.

But finding that a Defendant is criminally responsible for the acts of another person requires proof that the Defendant intentionally associated with or participated in the crime – not just proof that the Defendant was simply present at the scene of a crime or knew about it.

In other words, you must find beyond a reasonable doubt that the Defendant was a willful participant and not merely a knowing spectator.

Source:

11th Cir. Pattern Jury Instr. (Criminal) S7 (2022 Ed.)

**DEFENDANT’S REQUESTED JURY INSTRUCTION NO. 3**

### **Murder in the First Degree: Felony Murder**

It's a Federal crime to murder another person while committing the crime of kidnapping or robbery within the territorial jurisdiction of the United States.

The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

- (1) Victim #1 [victim's name], was killed;
- (2) The death of Victim #1 occurred as the result of the Defendant's knowingly committing the crime of kidnapping or robbery as specified in the indictment; and
- (3) The killing took place within the territorial jurisdiction of the United States

The crime is "felony murder" – a killing that takes place during the knowing and willful commission of some other specified felony crime.

The Government does not have to prove that the Defendant had a premeditated plan or intent to kill the victim. The Government only has to prove beyond a reasonable doubt that the Defendant knowingly committed the crime specified and that the victim died during and as a result of that crime.

If you find beyond a reasonable doubt that the crime occurred at the location described in the indictment, that location is within territorial jurisdiction of the United States.

Source:

11th Cir. Pattern Jury Instr. (Criminal) O45.2 (2022 Ed.)

**DEFENDANT’S REQUESTED JURY INSTRUCTION NO. 4**

**Kidnapping**

It’s a Federal crime for anyone to kidnap seize, confine, inveigle, decoy, abduct, carry away another person and then transport that person in interstate commerce.

The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

- (1) the Defendant knowingly and willfully kidnapped, seized, confined, inveigled, decoyed, abducted, or carried away Victim # 1 , [victim’s name], or Victim #2, [victim’s name], or both;
- (2) the Defendant knowingly and willfully kidnapped, seized, confined, inveigled, decoyed, abducted, or carried away Victim # 1 , [victim’s name], or Victim #2, [victim’s name], or both; with the intent to secure a ransom, reward, or other benefit and held the victim for that reason; and
- (3) In committing or in furtherance of the commission of the offense, the Defendant used a means, facility, or instrumentality of interstate or foreign commerce; or the Defendant seized, inveigled, kidnapped, abducted, or carried away Victim #1 or Victim #2, or both within the territorial jurisdiction of the United States.

To “kidnap” a person means to forcibly and unlawfully hold, keep, detain, and confine that person against the person’s will. Involuntariness or coercion related to taking and keeping the victim is an essential part of the crime.

To “inveigle” a person means to lure, or entice, or lead the person to do something by making false representations or promises, or using other deceitful

means.

The Government doesn't have to prove that the Defendant committed the kidnapping for ransom or any kind of personal financial gain. It only has to prove that the Defendant intended to gain some benefit from the kidnapping.

"Interstate commerce" means business or travel between one state and another.

A person is "transported in interstate commerce" if the person is moved from one state to another, in other words, if the person crosses a state line.

The Government does not have to prove that the Defendant knew [he] [she] took the victim across a state line. It only has to prove the Defendant was intentionally transporting the victim.

Source:

11th Cir. Pattern Jury Instr. (Criminal) O49 (2022 Ed.)

**CERTIFICATE OF SERVICE**

I, Justin C. Wilson, do hereby certify that I have on this the 18th day of September, 2023, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants in this case.

/s/ Justin C. Wilson  
Justin C. Wilson  
Attorney for the Defendant